

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

UNITED STATES OF AMERICA : **DOCKET NO. 07-CR-20030-001**

VERSUS : **JUDGE MINALDI**

JEREMIAH JONES : **MAGISTRATE JUDGE KAY**

REPORT AND RECOMMENDATION

Through authority granted to it by 18 U.S.C. § 3401(i), the undersigned was designated by the district judge to conduct a hearing on the Amended Petition for Warrant or Summons for Offender Under Supervision (Doc. 34) and to thereafter issue proposed findings of fact and recommendations for modification, revocation, or termination of supervision to the district judge and further to recommend disposition in accordance with those findings under 18 U.S.C. § 3583(e). In furtherance of the mandate a hearing was held April 21, 2016.

At hearing the defendant admitted the allegations of the first count of the amended petition, namely that he did unlawfully use controlled substances on eight separate occasions during the period of his supervision. As to the second count of the amended petition, that defendant violated a state crime, defendant did not admit, exercising his 5th Amendment right to remain silent as those state charges are pending against him.

In support of the second charge of the amended petition, the government provided the testimony of the officer who arrested the defendant, which arrest led to the criminal charges pending. The government further produced two separate CDs, one containing a video depiction of the defendant's arrest and the other providing the audio of events as they occurred.

At the conclusion of the evidentiary portion of the hearing the defendant was given the opportunity to allocute. Defendant elected not to speak on the record but did submit a written document addressed to the district judge for her consideration.

Given the admission of the defendant and the evidence adduced by the government it is recommended to the district judge that she find that a preponderance of the evidence adduced should reasonable satisfy her that the conduct of the defendant has not been as good as required by the conditions of probation and that, therefore, the defendant's supervision should be revoked. It is further recommended to the district judge that the defendant be ordered to serve twenty-four (24) months imprisonment with no supervision to follow.

Under the provisions of 28 U.S.C. § 636(b)(1)(C) the parties have fourteen (14) days from receipt of this Report and Recommendation to file any objections with the Clerk of Court. Timely objections will be considered by the district judge prior to a final ruling. Defendant will remain in the custody of the United States Marshal pending final disposition by the federal judge.

THUS DONE AND SIGNED in Chambers this 22nd day of April, 2016.



KATHLEEN KAY
UNITED STATES MAGISTRATE JUDGE